



Ohio Board of Nursing

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17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

I certify that the attached records are a true copy of Ohio Board of Nursing disciplinary records.

Betsy J. Houchen

Betsy Houchen, R.N., M.S., J.D.
Executive Director





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**CONSENT AGREEMENT
BETWEEN
NICOLE ERINKAES-CHAUVETTE, R.N., C.N.M.
AND
OHIO BOARD OF NURSING**

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This Consent Agreement is entered into by and between **NICOLE ERINKAES-CHAUVETTE, R.N., C.N.M.** (hereinafter "**MS. ERINKAES-CHAUVETTE**") and the Ohio Board of Nursing (hereinafter "**Board**"), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (hereinafter "**ORC**"), and all administrative rules promulgated thereunder.

MS. ERINKAES-CHAUVETTE voluntarily enters into this Consent Agreement being fully informed of her rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license or certificate issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a registered nurse engaging in activities that violate Chapter 4723, ORC or any rules adopted under it. In accordance with Section 4723.44(C)(5), ORC, no certified nurse-midwife shall prescribe drugs and therapeutic devices unless the nurse holds a current, valid certificate to prescribe. In accordance with Section 4723.484(B), ORC, to be eligible for a certificate

to prescribe after receiving an extension of an externship certificate to prescribe, an applicant must submit documentation from a supervising physician attesting to the applicant's successful completion of the externship.

B. **MS. ERINAKES-CHAUVETTE** is licensed to practice nursing as a registered nurse, RN-274303, and since November 21, 2001 as a Certified Nurse-Midwife, NM-06746, and between May 20, 2002 and May 20, 2004 was authorized to prescribe, 06746-RX, in the State of Ohio.

C. **MS. ERINAKES-CHAUVETTE** knowingly and voluntarily admits to the following:

- i. **MS. ERINAKES-CHAUVETTE'S** externship certificate to prescribe extension (CTP-E) expired on May 20, 2004;
- ii. **MS. ERINAKES-CHAUVETTE**, prior to the CTP-E expiration date of May 20, 2004, did not submit written Form E (*Verification of Completion of Externship Hours*) indicating completion of the externship;
- iii. **MS. ERINAKES-CHAUVETTE** prescribed as a certified nurse-midwife in Ohio between May 20, 2004 and July 2004 without holding a current, valid certificate to prescribe issued by the Board, as attested to on the form *Supplemental Documentation for a CNM, CNS, CNP with Prescriptive Authority* received July 16, 2004; and
- iv. **MS. ERINAKES-CHAUVETTE'S** prescriptive authority as a certified nurse-midwife was lapsed after May 20, 2004.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MS. ERINAKES-CHAUVETTE'S** license is REPRIMANDED. **MS. ERINAKES-CHAUVETTE** knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. **MS. ERINAKES-CHAUVETTE** is hereby fined five hundred dollars (\$500.00). **MS. ERINAKES-CHAUVETTE** shall pay the fine of five hundred dollars (\$500.00) to the Board by **April 15, 2005** payable to the "Treasurer, State of Ohio".

FAILURE TO COMPLY

MS. ERINAKES-CHAUVETTE agrees that her license to practice nursing as a registered nurse, certificate of authority to practice as a certified nurse-midwife, and certificate to prescribe will be automatically suspended if it appears to the Board that **MS. ERINAKES-CHAUVETTE** has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify **MS. ERINAKES-CHAUVETTE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. ERINAKES-CHAUVETTE** may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, **MS. ERINAKES-CHAUVETTE** appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated in writing at any time upon the agreement of both **MS. ERINAKES-CHAUVETTE** and the Board.

ACKNOWLEDGMENTS/LIABILITY RELEASE

MS. ERINAKES-CHAUVETTE acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. ERINAKES-CHAUVETTE waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

MS. ERINAKES-CHAUVETTE waives any and all claims or causes of action she may have against the Board, and its members, officers, employees and/or agents arising out of matters that are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order within the meaning of Section 119.01(D), ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

EFFECTIVE DATE

MS. ERINAKES-CHAUVETTE understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

Nicole Erinakes-Chauvette
NICOLE ERINAKES-CHAUVETTE

11/1/04
DATE

Yvonne M. Smith MSN RN CNS
YVONNE SMITH, President
Ohio Board of Nursing

11.19.04
DATE